

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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Phillip Chludzinski,

*On behalf of himself and those similarly  
situated,*

Plaintiff,

v.

NWPA Pizza, Inc., *et al.*,

Defendants.

Case No. 1:20-cv-163

Judge Cathy Bissoon

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ORDER GRANTING JOINT MOTION TO APPROVE STIPULATED FORM OF NOTICE  
OF COLLECTIVE ACTION AND STAY LITIGATION

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Upon consideration of the Joint Motion to Approve Stipulated Form of Notice of Collective Action and Stay Litigation, it is hereby:

ORDERED that Joint Motion is GRANTED; and it is further

ORDERED that Plaintiff will send the Notice and Consent Form attached as Exhibits A and B to the Joint Motion to all current and former delivery drivers employed by Defendants via U.S. Mail and electronic mail on or after August 19, 2017; and is further

ORDERED that only one copy of the Notice and Consent forms shall be sent by U.S. Mail to all current and former delivery drivers employed by Defendants on or after August 19, 2017, unless the notice is returned as undeliverable or a driver requests a second copy. In the event the Notice and Consent Form are returned as undeliverable, Plaintiff's Counsel or the Claims Administrator (retained by Plaintiff's Counsel) will process the name through a Change of Address

database, and will re-send the notice any new address identified through the database. In the event that no new addresses are identified through the database, the Notice and Consent Forms shall be sent by electronic mail, using the email cover letter attached as Exhibit B to the Joint Motion, to the extent that Defendants possess an email address for the Driver(s) based on their review of relevant employment applications and/or personnel files; and is further

ORDERED that counsel for Defendants shall be listed as a class member for notice purposes and shall receive a copy of the notice communications – both electronic and via U.S. Mail – sent to putative class members during the Notice Period at the same time and in the same manner as all other class members; and is further

ORDERED that Defendants will produce an Excel spreadsheet listing the names, last known addresses, last known email addresses, dates of employment as a delivery driver, store location, and store number, for all delivery drivers who worked for Defendant on or after August 19, 2017. Plaintiff shall have 14 days after receipt of the spreadsheet to mail the notice; and is further

ORDERED that the opt-in period will be sixty (60) days; and it is further

ORDERED that Defendants will produce in an Microsoft Excel format delivery and reimbursement data for all opt-in Plaintiffs within thirty (30) days of the close of the opt-in period; and it is further

ORDERED that the parties will mediate or otherwise engage in other good-faith negotiations within 30 days of Plaintiff's Counsel's receipt of such data (each party to bear their own fees and costs and to share the mediator's fees equally); and it is further

ORDERED that in the event that settlement is not reached, Plaintiff's counsel shall return the class list and all information produced pursuant to this Order and shall not use that information for any purposes other than mediation; and it is further

ORDERED that the above procedures have no bearing on Plaintiff's putative class action claims under Pennsylvania (state) law; that the case is STAYED, including the upcoming scheduling conference, while the parties attempt to reach a settlement; that, for the duration of the stay, the case will be ADMINISTRATIVELY CLOSED (a non-prejudicial docket-control designation); and, if it and when it becomes clear that settlement will not be achieved, counsel promptly shall contact Chambers (412.208.7460), so that the stay can be lifted, the case reopened and the initial scheduling conference rescheduled.

Date: September 29, 2020

s/Cathy Bissoon  
United States District Judge